

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: CIRCUIT CITY STORES, INC., et al.,
Debtors.**

**Case No. 08-35653-KRH
Chapter 11
(Jointly Administered)**

**ALFRED H. SIEGEL, Trustee of the
Circuit City Stores, Inc. Liquidating Trust,**

Plaintiff,

v.

Adv. Pro. No. 19-03091-KRH

**UNITED STATES TRUSTEE PROGRAM, et al.,
Defendants.**

ORDER DISMISSING SHOW CAUSE

This matter came before the Court upon the *Order to Show Cause* [ECF No. 52] (the “Show Cause Order”), requiring counsel for the United States Trustee Program, Clifford J. White III, Director, John P. Fitzgerald, III, Acting United States Trustee for Region 4 (collectively, the “Defendants”) to appear virtually by Zoom for Government and show why default or other sanctions should not be imposed for their failure to file answers as required by the *Scheduling Order* [ECF No. 41].¹ On November 14, 2022, the Defendants filed the *United States Trustee’s Response to Order to Show Cause and Motion for Leave to File Answers* [ECF No. 55] (the “Motion for Leave”).

On November 15, 2022, the Court conducted a hearing (the “Hearing”) on the Show Cause Order. Counsel for Alfred H. Siegel, Trustee of the Circuit City Stores, Inc. Liquidating Trust (the

¹ On September 12, 2022, the Court issued an *Order Consolidating Adversary Proceedings* [ECF No. 44], consolidating the above-captioned adversary proceeding with *Siegel v. Fitzgerald*, Adv. Pro. No. 19-03060-KRH.

“Trustee”) and counsel for the Defendants appeared at the Hearing. Although the Motion for Leave was not properly noticed in accordance with the Local Bankruptcy Rules, based upon the representations made by the Defendants at the Hearing, the Trustee had no objection to the Motion for Leave. In consideration thereof, and for the reasons stated in open court, it is therefore

ORDERED that the Show Cause Order is **DISMISSED**; it is further

ORDERED that the Motion for Leave is **GRANTED**; and it is further

ORDERED that the time to file the proposed answers that were attached as Exhibits to the Motion to Leave (the “Proposed Answers”) is hereby **EXTENDED** through and including **Wednesday, November 23, 2022**; and it is further

ORDERED that the Defendants shall file the Proposed Answers in the above-captioned lead adversary proceeding on or before **Wednesday, November 23, 2022**.

Dated: November 16, 2022

/s/ Kevin R. Huennekens
UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Nov 16 2022

Copies to:

Kathryn R. Montgomery
Office of the United States Trustee
701 East Broad Street, Ste. 4303
Richmond, VA 23219

Ramona D. Elliott
P. Matthew Sutko
Beth A. Levene
Department of Justice
Executive Office for United States Trustees
441 G Street, N.W., Suite 6150
Washington, DC 20530

Paula S. Beran
Tavener & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Lynn L. Tavenner

Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, VA 23219

Richard. M. Pachulski

Andrew W. Caine

Jeffrey N. Pomerantz

Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Boulevard, 13th Floor
Los Angeles, California 90067-4100

Robert J. Feinstein

Pachulski Stang Ziehl & Jones LLP
780 Third Avenue, 34th Floor
New York, New York 10017

Daniel L. Geyser

Haynes and Boone, LLP
2323 Victory Avenue, Ste. 700
Dallas, Texas 75219